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ORDINANCE NO. 2002 - 045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE SEGMENTS OF OKEECHOBEE BOULEVARD BETWEEN BENOIST FARMS ROAD AND JOG ROAD AS A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE FACILITY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 28, 2002 the Palm Beach County Board of County

1 Commissioners held a public hearing to review the written comments
2 submitted by the Department of Community Affairs and to consider
3 adoption of the amendments; and

4 **WHEREAS**, the Palm Beach County Board of County Commissioners has
5 determined that the amendments as modified satisfy the concerns
6 addressed in the Department of Community Affairs' "Objections,
7 Recommendations and Comments Report" and comply with all requirements
8 of the Local Government Comprehensive Planning and Land Development
9 Regulations Act.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 **Part I. Amendments to the 1989 Comprehensive Plan**

13 Amendments to the text of the following Element of the 1989
14 Comprehensive Plan are hereby adopted and attached to this Ordinance
15 in Exhibit 1:

16 **A. Transportation Element**, To designate segments of Okeechobee
17 Boulevard between Benoist Farms Road and Jog Road as a
18 Constrained Roadway at a Lower Level of Service Facility;
19 and

20 **B. Amending all elements as necessary for internal
21 consistency.**

22 **Part II. Repeal of Laws in Conflict**

23 All local laws and ordinances applying to the unincorporated area
24 of Palm Beach County in conflict with any provision of this ordinance
25 are hereby repealed to the extent of such conflict.

26 **Part III. Severability**

27 If any section, paragraph, sentence, clause, phrase, or word of
28 this Ordinance is for any reason held by the Court to be
29 unconstitutional, inoperative or void, such holding shall not affect
30 the remainder of this Ordinance.

31 **Part IV. Inclusion in the 1989 Comprehensive Plan**

32 The provision of this Ordinance shall become and be made a part
33 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
34 Ordinance may be renumbered or relettered to accomplish such, and the
35 word "ordinance" may be changed to "section," "article," or any other
36 appropriate word.

1 **Part V. Effective Date**

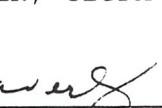
2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard, Tallahassee, Florida 32399-2100.

14 **APPROVED AND ADOPTED** by the Board of County Commissioners of
15 Palm Beach County, on the 28 day of August, 2002.

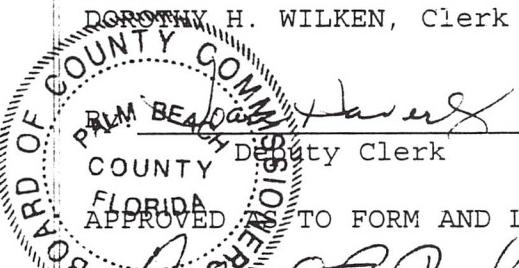
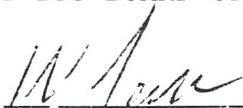
16 ATTEST:

17 DOROTHY H. WILKEN, Clerk

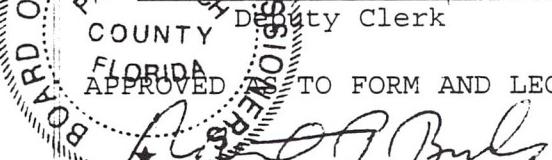
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

18 By 
19 Deputy Clerk

Warren H. Newell, Chairman

20 
21 By 
22 Warren H. Newell, Chairman

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24 
25 Richard G. Bush
26 COUNTY ATTORNEY

27 Filed with the Department of State on the 3 day
28 of September, 2002.

29 T:\Planning\AMEND\02-1\admin\bccadopt\Ordinances\OkeeCRALLS-West-Ord.rtf

EXHIBIT 1

A. Transportation Element, Okeechobee Boulevard CRALLS – West

REVISIONS: To add language in Policy 1.2-f designating segments of Okeechobee Boulevard as a CRALLS facility. The added text is shown in underlined.

1. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

23) The following roadways are hereby designated as a CRALLS facility, subject to mitigation criteria to be determined, consistent with Transportation Policy 1.2-q:

- a) Okeechobee Boulevard from Benoist Farms to Skees Road:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 64,300 vehicles per day
Total trips for new projects: 790 vehicles per hour
- b) Okeechobee Boulevard from Skees Road to Jog Road:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 73,389 vehicles per day
Total trips for new projects: 790 vehicles per hour

No development order or permit dependent on this CRALLS shall be issued until adoption of the ULDC revisions to implement the associated point system and traffic sensitive uses described in Transportation Policy 1.2-q. The duration of this CRALLS shall be two years from its effective date, but shall not apply in any case after 30 months from the date of adoption of this amendment.

For the segment of Roebuck Road, west of Jog Road, the County commits to acquire right of way from the City of West Palm Beach within 12 months from the date of adoption of this amendment.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 10/10/02
DOROTHY H. WILKEN, Clerk
By: Dorothy Wilken D.C.